

Traffic Records Committee Meeting Minutes January 9, 2006

Dan Belles - WSP
 Scott Bream - DIS
 Dan Davis - DOT
 John Dunn - DOT
 Kirk Gillett - NHTSA
 Kendra Hensley - DOL
 Roger Horton - DOT
 Nadine Jobe - DOT
 David Koch - DIS
 Roger Kraft - FMCSA
 Jim Lamunyon - WASPC

Brian Limotti - DOT
 Liana Liu – FHA
 Chris Madill - WTSC
 Marcia Marsh - WTSC
 Natalie Mattson - IL
 Don Petersen - FHWA
 Paul Sullivan - WSDOT
 Phil Salzberg - WTSC
 Anna Yamada - WSDOT
 Don Zimmer – CRAB
 Marlene Boisvert - WSP

JINDEX Update: Scott Bream - DIS

The JINDEX Traffic Records Project will establish citation and collision data exchange services to reside on the JINDEX Biztalk servers at DIS. This project is being conducted by Sunaptic Corp. The project will be completed by April 2006. Scott discussed security aspects as the current focus of efforts toward JINDEX:

- ◆ How to manage the back office of this project
- ◆ Ad hoc data request for JINDEX
- ◆ Designed to be anchor
- ◆ Application
- ◆ Ad hoc-AOC State Patrol
- ◆ County to devise applications structure

JINDEX efforts are also focusing on the look of data, the visual formatting, how do we get it into compliance with related requirements with back-end data users such as AOC, WSP, DOL, WSDOT?

The SECTOR project requires support from the JINDEX project in order to disseminate collision and citation data. We are looking to glean common requirements earlier rather than later as the issue of user authentication surfaces, e.g., password and user name. The goal in both efforts is to work to find the best solution for back door users and to incorporate one common method for everything.

Scott added, at the time of this meeting, no meeting is scheduled for JINDEX security related issues.

EDR (Event Data Recorder) Research: Chris Madill - WTSC

Chris reported this device is commonly referred to as a black box, an event data recorder. Two related handouts were provided (attachments A and B) during the

meeting capturing the legislation activity of other states at www.ncsl.org and limits on crash data on www.stateline.org.

Chris briefly reported there is no federal law governing who has access to information from EDRs and how it can be used, according to the American Automobile Association. State laws are meant to preserve a driver's privacy by requiring a court order or going through the process of obtaining the car owner's permission before insurers or law enforcement can download the data held in an EDR.

Several organizations, including the National Transportation Safety Board, the Insurance Institute for Highway Safety and the American College of Emergency Physicians have issued statements supporting the use of EDRs to collect research data. The National Highway Traffic Safety Administration is considering requiring them in all new vehicles. Lawmakers across the country are growing more concerned that either law enforcement or insurance companies may misuse information provided by an EDR.

90% of 2004 model vehicles contained EDRs.

A committee member suggested that we have our own fact-gathering process in place to respond to a future discussion on this topic in case the issue comes before the legislature.

Common thought in the room about what the EDR gathers was:

- Deployment of airbag
- Engine rpm's
- Vehicle speed
- Throttle position
- Brake data
- Equipment requirements to manage this process

Nadine suggested we confirm the list of attributes connected to this device as we move forward with our committee's position on this issue. In general, this topic should remain on TRC's agenda studying the implications it could have on our own data collection projects in TRC's scope of responsibility.

As the committee continues its education on this device, we need to clarify the following related areas in questions:

- How other states are using it
- What does it take to download the data from the box
- What information is captured
- Who has ownership

Kirk Gillett is to contact regional NHTSA office and ask if they can offer the committee a presentation to inform us on this topic.

The committee will keep its eye on the climate surrounding this issue specifically in Washington. It will continue exploring the value of privacy rights verses data collection and safety advantages associated with EDRs.

Traffic Records Forum Call for Papers: Chris Madill - WTSC

Chris showed the committee the website that featured a call for papers for the 2006 Traffic Record Forum (<http://www.atsip.org>) . The website outlines the following categories related to traffic safety data:

- | | |
|--------------------------------------|--|
| – Usage | – Current Systems and |
| – Collection | Programs |
| – Analysis | – Research |
| – Current and Emerging
Technology | – Current Issues and
Emerging Needs |

Chris asked the committee to offer suggestions on what type of presentations the committee could submit that are representative of the efforts and projects of Washington's TRC:

- Function of this group, challenges and successes
- Access decreased tug of war between agencies
- Good lessons learned
- Mix of people around the table
- How we formed
- Development, outcome, and value of strategic plan
- How others can get this type of group off the ground

Other ideas that committee members are planning to submit are:

- Estimating medical costs and injuries associated with not wearing a seatbelt
- Databases serving multi agencies
 - Crash – hospital – citations
- Injury prevention category
- Section traffic safety
- Incident response program - collision safety (WSDOT's WITS)
- Research published
- Cross border w/Idaho – seatbelt use
- Truck project - final report is mid February
- eTRIP Initiative (including the SECTOR software)
-

Those who offered to submit one or two of the items listed above during this meeting are Dan Belles, Ana Yamada, Phil Salzberg, and Chris Madill

Submission deadline is January 31 2006.

SECTOR Progress: Dan Belles - WSP

David Kaelin was in Olympia for two weeks to work on:

1. Install for client
2. Web portal
3. Base installation

David demonstrated the latest fixes and has successfully resolved the problems of the hand held scanner not capturing signatures consistently. They found after a code adjustment, it now records them 100% of the time both clearly and consistently. The other fix was to the collision report which included the collision scene diagram and adding an extra page for use. This solution involved using Easy Street Draw or SmartRoads as diagramming tools. For implementation purposes, the rollout order will be as follows:

1. Pierce County
2. Thurston County
3. Kitsap County

Next aspect of this pilot will be to use a laptop computer and run the operations of SECTOR back office. Many in the committee suggested the TRC be ready for increased interest and questions from various local governments regarding use of SECTOR. Roger advised the committee to be ready for a review from the State Auditor regarding accountability and accuracy of the SECTOR process for example, price, and ticket numbers.

The committee reviewed and discussed the FTE System Administrator position. Dan reported that interviews are to be conducted January 18 thru 20th, 2006. Committee members discussed the proper way to address the FTE position. The challenge is ensuring the FTE is available within WSP. This collaboration involves many agencies yet the FTE will be located under WSP to support the many duties related to SECTOR. Roger, Sue, Debbie, Dan, and Chris will continue to plan the details of this important position.

As this project widens and grows in service to the state, we need to consider the use and need of a board specifically focused on governance. This group would remain assembled to work with IDMS and the following aspects of SECTOR:

- Infrastructure
- Policy

- Procedures
- Changes
- Modifications

The committee discussed how many people and at what level members would need to form an effective board. One approach is to have the high level of decision makers on the board; yet it was pointed out we have the Oversight Committee in place to do this type of work. Another approach is to continue the involvement of project managers who know the project very well and are working effectively with one another. The latter approach would require formalizing the group currently in place. The committee continued a discussion on this topic to include the impact of grant monies and the necessary levels of leadership, balancing necessary authority, and project knowledge.

The committee suggested TRC formalize an MOU to institutionalize the current SECTOR project team. This team would be responsible for the continued management and maintenance of the SECTOR software as well as other processes associated with the eTRIP Initiative.

The committee endorsed the formalization of the current SECTOR team as a Governance Committee and will be looking into various aspects of an escalation policy, ensuring issues loop back to TRC for buyoff and are circulated for signature.

Motion: Formally institutionalize SECTOR project group to be a governance board.

Chris Madill provided the first, Brian Limotti provided the second, and the motion carried.

Section 409: Brian Limotti - WSDOT

Brian engaged the committee in a discussion regarding the MOU that agencies would need to sign in order to begin submitting collision reports electronically. The MOU would need to address a variety of issues including:

- DOT/WSP
- Records repository
- Case
- Local agencies responsible upgrades
- Compliance business edits and rules
- Keeping data electronically update in to JINDEX

Brian Limotti suggested we formalize the agreement with law enforcement agencies to ship data through JINDEX. Developing a WAC is not advisable and may be perceived as overkill.

Collision Software Analysis Tool: Dan Belles - WSP

CRAB, WTSC, FARS, WSDOT, and the Highways and Local Programs Office at WSDOT are all involved in an effort to identify and acquire a software application capable of in-depth collision analysis. The project group is identifying, reviewing, and finalizing business requirements to be used as a template as they move into contacting groups to consolidate unique requirements for this project.

RFI Process

1. Company Demonstrations – addressing meeting business requirements
2. DOT January 28, 2006 our requirements submitted
3. February 8, 2006 other agencies requirements
4. February 15, 2006 distribute RFI to solicit vendor responses

Priorities:

- ◆ Coordinates Safety data requirements
- ◆ Preliminary
- ◆ More collaboration
- ◆ FARS
- ◆ WSDOT
- ◆ Web sites flow
- ◆ TDO web imaging approval
- ◆ TRC approval
- ◆ Prototype/test/production

Effective January 1, 2006, WSP is collecting additional distraction data referring to contributing circumstances such as cell phones. The new training program for the upcoming July 1 rollout of the new collision report presents opportunities to explain the importance of data to the officers who collect the data. WSP's New Officer Manual will incorporate this element in both a written form and with a DVD as well. If the FMCSA approves a grant to fund the printing and training costs, WSP will print manuals for all officers ensuring everyone is updated on the new priorities. Linda Shincke, Washington's steward for FMCSA grants, will let us know if the grant is approved. FMCSA may be a source of funding for other projects including eTRIP. Roger Kraft stated that FMCSA is anxious to help states get better data.

Next Meeting: February 8, 2006

Attachment A

January 30, 2006

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2005 Legislation Related to Event Data Recorders ("Black Boxes") in Vehicles

As of December 8, 2005

In 2004, California became the first state to enact legislation ([Calif. Vehicle Code § 9951](#)) requiring manufacturers to disclose to customers whether event data recorders or "black boxes" are installed in vehicles. Black boxes record data such as the speed of a vehicle, safety belt use, and other vehicle safety information. The law also prohibits download of that data without the owner's permission or a court order. In a related area, California ([Calif. Civil Code § 1936](#)) and New York ([New York Gen. Bus. Law § 396-z](#)) have passed laws prohibiting rental car companies from using electronic surveillance or global positioning devices to impose fees, charges or penalties relating to the renter's use of the vehicle.

Summary: Legislation introduced in at least 16 states in 2005. Legislation enacted in [Arkansas](#), [Nevada](#), [New York](#), [North Dakota](#), and [Texas](#) in 2005.

ALASKA

[S.B. 18](#)

Legislature adjourned 05/10/05

Sponsor: Elton

Relates to motor vehicles equipped with data recording or transmitting devices.

ARKANSAS

[S.B. 51](#)

04/01/05, Signed by Governor, Act 1419

Sponsor: Jeffress

Prescribes the ownership of information recorded by an event data recorder in motor vehicles and prohibits the use of the data without written permission of the owner of the vehicle; and for other purposes.

CONNECTICUT

[S.B. 824](#)

05/25/05 Passed Senate

Legislature adjourned 06/08/05

Sponsor: Harp

Prohibits law enforcement access to recorded information in "black boxes" in motor vehicles.

MASSACHUSETTS

[H.B. 1973](#)

Sponsor: Travis

Relates to motor vehicles equipped with certain recording devices.

[H.B. 2092](#)

Sponsor: Torrisi

Regulates the use of Recoding Devices in motor Vehicles.

MICHIGAN

[S.B. 902](#)

Sponsor: Stamas

Defines event data recorder. Requires the disclosure of the presence of an event data recorder in vehicles.

[S.B. 903](#)

Sponsor: Stamas

Defines the requirements of an event data recorder by an insurer or the use of event data

recorder data to determine insurance premiums to be an unfair and deceptive business practice. This bill requires the passage of S.B. 902.

[S.B. 904](#)

Sponsor: Kuipers

Prevents the use of event data recorder data in criminal trials without a waiver from the operator or a valid search warrant. This bill requires the passage of S.B. 902.

[S.B. 905](#)

Sponsor: Gilbert

Prevents the use of event data recorder data in civil trials without a waiver from the operator. This bill requires the passage of S.B. 902.

MONTANA

[H.B. 322](#)

Legislature adjourned 04/21/05

Sponsor: R. Koopman.

Prohibits the sale or offering for sale of noncommercial motor vehicles that are equipped with event data recorders that are not able to be deactivated; provides that a violation is considered an unfair trade practice and subjects a violator to the unfair trade practice penalties; provides conditions under which information stored on event data recorders may be released or transferred; specifies that unauthorized release or transfer of the information is an invasion of privacy and allowing for collection of damages; defines "Event Data Recorder."

NEVADA

[A.B. 315](#)

06/13/05, Signed by Governor, Chapter 361

Sponsors: Pierce, Parks

An act requiring disclosure of the existence of certain event recording devices in motor vehicles under certain circumstances; restricting the use of information retrieved from an event data recording device under certain circumstances; providing a penalty.

NEW HAMPSHIRE

[H.B. 599](#)

03/30/05, Passed House

Sponsors: Rep. Ferland, Sull 5; Rep. Dickinson, Carr 1; Rep. Phinlzy, Sull 5; Rep. Bicknell,

Rock , et al.

An act requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.

NEW JERSEY

[A.B. 2090](#) / [S.B. 2546](#)

Sponsor: Cohen, Buono

Requires motor vehicle manufacturers and subscription services to make disclosures about recording devices; regulates release of recording device data.

[A.B. 3209](#) / [S.B. 2022](#)

Sponsor: Quigley, Kyrillos

Requires ambulances to be equipped with global positioning systems.

[A.R. 172](#) / [S.R. 52](#)

02/15/05 Filed with Secretary of State

Sponsor: Bodine, Bark

Memorializes Rowan University to study feasibility of using black boxes in emergency vehicles.

NEW YORK

[A.B. 872](#) / [S.B. 850](#)

09/16/05 Signed by Governor, Chapter 648

Sponsor: McEneny, Trunzo

Requires the disclosure of the installation of vehicle data recording devices, i.e., event data recorders, by the manufacturer of new vehicles sold or leased in New York state in or along with the owner's manual.

[A.B. 2628](#) / [S.B. 1422](#)

Sponsor: Lafayette, Sabini

Provides that motor vehicles manufactured after December 31, 2006 and operated in New York state shall be equipped with an event data recorder.

[A.B. 6093](#)

Sponsor: Benjamin

Requires use of event data recorders in motor vehicles to reconstruct accident scenes; requires salesperson to inform purchasers orally and in writing that an event data recorder is on board; makes tampering with, disabling, or removal of such device a misdemeanor;

provides for the use of such information in actions or proceedings involving motor vehicle accident or crime scenes.

[S.B. 3375](#)

Requires any schedule or rating plan for non-commercial private passenger automobile insurance to provide for an actuarially appropriate reduction in premium charges for bodily injury liability, property damage liability, personal injury protection, medical payments, and collision coverage with respect to automobiles equipped with bona fide automotive safety monitoring devices (for parental monitoring of minor drivers).

NORTH DAKOTA

[S.B. 2200](#)

04/23/05, Signed by Governor, Chapter 440

Sponsors: Holmberg, Trenbeath, Triplett; Representatives DeKrey, Delmore, Kretschmar

Relates to recording devices on motor vehicles; and provides for application.

PENNSYLVANIA

[H.B. 1294](#)

Sponsors: Harhai, Caltagirone, DeWeese, Grucela, Haluska

Provides for the sale and removal of motor vehicle event data recorders; imposes penalties; and provides for evidentiary rules.

TENNESSEE

[H.B. 1303](#) / [S.B. 1850](#)

Legislature adjourned 05/28/05

Sponsor: Coleman / Sponsor: Herron

Regulates event data recorders (EDR) and sensing and diagnostic modules (SDM) in motor vehicles and the use and disclosure of any information stored in or generated by such equipment.

[H.B. 1304](#) / [S.B. 1806](#)

Legislature adjourned 05/28/05

Sponsor: Coleman / Sponsor: Herron

Requires notice of recording devices on motor vehicles be given to motor vehicle owners.

TEXAS

[H.B. 160](#)

06/18/05 Signed by Governor

Sponsor: McCall

Relates to motor vehicles equipped with recording devices.

[H.B. 195](#)

Legislature adjourned 05/30/05

Sponsor: Guillen

Relates to motor vehicles equipped with recording devices.

VIRGINIA

[H.B. 697](#)

Legislature adjourned 02/27/05

Sponsor: Morgan

Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. Prohibits specified data that is recorded on a recording device from being downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under specified circumstances. Requires a subscription service agreement to disclose that specified information may be recorded or transmitted as part of the subscription service. Applies to all motor vehicles manufactured on or after July 1, 2004.

[H.B. 2468](#)

Legislature adjourned 02/27/05

Sponsor: May

Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. Requires a seller or lessor of a new vehicle to conspicuously disclose the fact prior to sale or lease. Applies to all motor vehicles manufactured for model year 2007 and later.

[H.B. 2134](#)

Legislature adjourned 02/27/05

Sponsor: Gear, Griffith

Deems data that is recorded on a device that records or transmits performance or operation

information about the vehicle the personal property of the owner of the motor vehicle and may not be downloaded or otherwise retrieved by a person other than the owner, except (i) with the consent of the owner or (ii) in response to an order of a court of competent jurisdiction.

[H.B. 2135](#)

Legislature adjourned 02/27/05

Sponsor: Gear, Black, Griffith

Prohibits motor vehicle insurers from including in policies any provision that authorizes the insurer to obtain access to data that is electronically stored in an electronic data recording system in the motor vehicle.

WEST VIRGINIA

[H.B. 2850](#)

03/24/05, Passed House

Legislature adjourned 04/09/05

Sponsors: Delegates Perdue, Barker, Talbott, Amores and Eldridge

Relates to regulating the use of automobile event data recorders.

For additional information, contact Pam Greenberg, NCSL Legislative Information Services, 303-364-7700, ext. 1413, [pam.greenberg at ncsl.org](mailto:pam.greenberg@ncsl.org)

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Monday, January 30, 2006

TOP STORY

THURSDAY, OCTOBER 06, 2005

Lawmakers limit crash data

By Eric Kelderman, Stateline.org Staff Writer

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Lawmakers are paying a lot of attention to some little-known technology that collects data during car crashes.

Arkansas, Nevada, North Dakota and Texas this year followed California 's lead in limiting who can use information from Event Data Recorders (EDRs) -- devices built into vehicles that can record a car's speed and the response of seat belts, brakes and air bags in an accident.

The state laws are meant to preserve a driver's privacy by requiring a court order or the car owner's permission before insurers or law enforcement can download the data. Eleven other states considered bills in 2005 limiting access to such crash data, according to the [National Conference of State Legislatures](#).

EDRs have been installed on approximately 15 percent of all cars on the road and up to 90 percent of the 2004 models, said Eron Shostek, a spokesman for the [Alliance of Automobile Manufacturers](#). About the size of a compact disc jewel case, the device is attached to a car's airbag system and records up to 30 seconds of information, which is continually overwritten. An accident triggers the device to save the information, which otherwise is not stored after the car is turned off, Shostek said.

There is no federal law governing who has access to information from EDRs and how it can be used, according to the American Automobile Association. In one high-profile case, South Dakota state police in 2003 gleaned EDR information from the car of former governor and U.S. Rep. Bill Janklow (R) after he ran a stop sign and hit a motorcyclist, who later died from his injuries.

Several organizations, including the National Transportation Safety Board, the Insurance Institute for Highway Safety and the American College of

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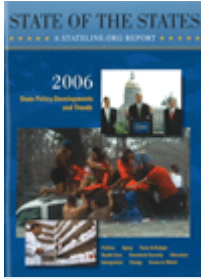
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Emergency Physicians have issued statements supporting the use of EDRs to collect research data. The [National Highway Traffic Safety Administration](#) is considering requiring them in all new vehicles. Lawmakers across the country are growing more concerned that EDR information will be misused by law enforcement or insurance companies.

"Like 95 percent of the citizenry, I didn't know these devices were in automobiles," said Arkansas state Sen. Jim Jeffress (D), a chief sponsor of the law in his state that specifies that data from EDRs belong solely to the car owner.

"What I could foresee is some poor old guy working paycheck-to-paycheck has an [automobile] accident ... and an overzealous prosecutor uses [EDR] data against him in court," he said.

Under Jeffress' measure, police would need a court order to use the EDR information for an investigation, he said. Insurance companies also cannot require access to the EDR data as a condition of granting a policy or of paying a claim, Jeffress explained. But data could be downloaded from the devices for research if the identity of the owner is not disclosed.

The Arkansas law also requires that car dealers tell buyers about the devices -- information that is now disclosed only in the owner's manuals that few people read thoroughly, he said.

North Dakota Rep. Duane DeKrey (R), who pushed for a similar law in his state, said he was worried that insurance companies would use the EDR data to unfairly raise a customer's premiums. "It should be made clear who owns the information," he said.

The new Nevada law is similar to Arkansas', but a provision requiring dealers to inform buyers was stripped from it, said Assemblywoman Peggy Pierce (D), who co-sponsored the legislation.

The measures have the support of the American Automobile Association because they protect individual drivers' information, said spokesman Mantill Williams. "Our position is, when you buy the car, all the data belongs to you," he said.

Send your comments on this story to: letters@stateline.org. Selected reader feedback will be posted in the [Letters to the editor](#) section.

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